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09/960,671	09/21/2001	Yuji Tamura	F-7167	5598

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EXAMINER

JONES, SCOTT E

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/960,671

Applicant(s)

TAMURA ET AL.

Examiner

Scott E. Jones

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-12 is/are rejected.
- 7) ☒ Claim(s) 13-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on November 25, 2003 in which applicant amends claims 1-9 and 11, adds claims 12-17, submits a substitute specification, corrects the drawings, and responds to the claim rejections. Claims 1-17 are pending.

Claim Objections

2. Claim 12 is objected to because of the following informalities:
 - In claim 12, line 2, the limitation, “a target unit including to be aimed at by a game player” is unclear. The examiner believes Applicant meant to recite, “a target unit including a plurality of targets to be aimed at by a game player.”
 - In claim 12, lines 4-5, “the targets” lacks proper antecedent basis because of the informality noted above.

Correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faith (U.S. 5,445,138) in view of Kelly et al. (U.S. 5,667,217).

Art Unit: 3713

Faith discloses a game unit having a skill game wherein a player earns points by shooting a gun which shoots or tosses coins at targets combined with a prize dispenser which dispenses prizes based on the score a player achieves during the game. Faith additionally discloses:

Regarding claims 1 and 9:

- a target unit including a plurality of targets (fig. 2, and column 3, lines 1-27);
- a shooting unit (32) provided at a position facing the target unit and operable by a game player to cause a game medium (coin) to fly while selectively aiming at any one of the plurality of targets (abstract, figs. 1, 7, and 10, and column 2, lines 33-38);
- display units (126) and (80) provided in correspondence with the respective targets for displaying values corresponding to the targets by codes (fig. 2, column 3, lines 8-11, and column 3, lines 51-52);
- value setting means for setting the values to be displayed on the display units (column 5, lines 46-50);
- hit detecting means (86) for detecting the hit of the game medium (coin) at the target (figs. 2 and 5, and column 6, line 65-column 7, line 24);
- a dispenser (40) for paying out a material corresponding to the value displayed on the display unit corresponding to the hit target when the game medium hits one target (abstract, figs. 12, 13, 14, column 1, lines 35-45, column 2, lines 39-46, and column 8, lines 13-37).

Regarding claim 8:

- the plurality of targets (70) (72) (76) are arrayed in vertical directions (fig. 2);

Art Unit: 3713

- game medium receptacles (gun chassis 162) having openings of the same shapes (aperture-rectangular shape) as the targets (bowls) (70) (72) (76) (figs. 5 and 7);
- the shooting unit (32) discharges the game medium in an angle direction which is inclined upward than horizontal direction (figs. 1 and 3); The shooting unit would have to be aimed upwards in order to hit any of the targets.
- the value setting means sets a high probability of setting relatively higher scores for upper targets (fig. 3 and column 3, lines 1-28). When a player hits target (70) the coin falls through each of the bowls (70)(72)(74) and (76) and the player is given additional (cumulative) points associated with each of these bowls.

Therefore, the uppermost target earns a player the most points.

Faith seems to lack explicitly disclosing:

Regarding claims 1 and 9:

- jackpot setting means for setting a jackpot value on one of the display units selectively changed in time direction.

Regarding claim 2:

- presentation display units provided in correspondence with the display units for making a presentation display of a flame, and a presentation display control means for causing each presentation display unit to make the presentation display of the flame and causing it to stop the presentation display when the game medium hits the target corresponding to this presentation display unit.

Regarding claim 3:

Art Unit: 3713

- each display unit displays a score setting means and displays the jackpot value set by the jackpot setting means by a code representing a special high score.

Regarding claim 4:

- a jackpot score display unit for displaying the special high score as the jackpot value.

Regarding claim 5:

- the value setting means randomly displays a plurality of scores prepared in advance on the display units corresponding to the respective targets.

Regarding claim 6:

- the value setting means randomly displays display times of the scores to be displayed on the display units corresponding to the respective targets.

Regarding claim 9:

- the jackpot setting means sets the special high score at any one of all targets of the plurality of shooting game machines.

Regarding claim 10:

- the shooting game system comprises two shooting game machines.

Regarding claim 11:

- when the target where the special high score is set is hit on a specific condition, the jackpot setting means newly sets the special high score at any one of the targets of the same target unit other than the target where the special high score was previously set.

Kelly et al. teaches of an arcade game that has a shooting device (coin rolling device) that directs coins towards various targets wherein a players earn points for targets hit and is dispensed tickets which can be redeemed for various prizes. Kelly et al., like Faith, teach of gaming devices that utilize coins to hit targets and are therefore analogous art. However, Kelly et al. teaches of rolling coins towards targets, whereas, Faith teaches of flying coins towards targets.

Kelly et al. teaches:

Regarding claims 1 and 9:

- jackpot setting means for setting a jackpot value on one of the display units selectively changed in time direction (abstract, fig. 2, column 4, lines 63-65, and column 2, lines 12-19).

Regarding claim 2:

- presentation display units provided in correspondence with the display units for making a presentation display of a flame, and a presentation display control means for causing each presentation display unit to make the presentation display of the flame and causing it to stop the presentation display when the game medium hits the target corresponding to this presentation display unit (column 2, lines 15-18, column 5, lines 33-46, and column 10, lines 26-44). Like applicant's claimed "flame", Kelly et. al. uses indicators to "highlight" special targets so that a player knows what targets to hit and to get feedback on what targets have already been hit.

Regarding claim 3:

Art Unit: 3713

- each display unit displays a score setting means and displays the jackpot value set by the jackpot setting means by a code representing a special high score (abstract, fig. 2, column 4, lines 63-65, and column 2, lines 12-19).

Regarding claim 4:

- a jackpot score display unit for displaying the special high score as the jackpot value (abstract, fig. 2, column 4, lines 63-65, and column 2, lines 12-19).

Regarding claim 5:

- the value setting means randomly displays a plurality of scores prepared in advance on the display units corresponding to the respective targets (column 2, lines 15-18, column 4, lines 63-66, column 5, lines 33-46, column 10, lines 26-55, and column 12, lines 1-6).

Regarding claim 6:

- the value setting means randomly displays display times of the scores to be displayed on the display units corresponding to the respective targets (column 2, lines 15-18, column 4, lines 63-66, column 5, lines 33-46, column 10, lines 26-55, and column 12, lines 1-6).

Regarding claim 9:

- the jackpot setting means sets the special high score at any one of all targets of the plurality of shooting game machines (column 5, lines 5-31).

Regarding claim 10:

- the shooting game system comprises two shooting game machines (column 5, lines 5-31 and column 4, lines 13-21).

Regarding claim 11:

- when the target where the special high score is set is hit on a specific condition, the jackpot setting means newly sets the special high score at any one of the targets of the same target unit other than the target where the special high score was previously set (column 5, lines 5-46).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the features of Kelly et al. in Faith. One would be motivated to do so because these features add complexity and interest to an otherwise simple coin-target game. Furthermore, the features add to overall player involvement, as well as, increased revenues which are produced by the game.

Allowable Subject Matter

5. Claim 7 seems to be allowable over the prior art of record because neither Faith nor Kelly discloses, teaches, or fairly suggests setting a jackpot value for one of a plurality of targets based on detecting the aiming direction of the shooting unit.

6. Claims 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 13-17 would be allowable for the same reason stated above regarding claim 7.

Response to Arguments

7. Applicant's arguments filed November 25, 2003 regarding claims 1-6 and 8-11 have been fully considered but they are not persuasive.

Art Unit: 3713

8. Applicant's arguments, see page 13 and replacement drawing sheet, figure 4, filed November 25, 2003, with respect to the objection to figure 4 has been fully considered and is persuasive. The objection of figure 4 has been withdrawn.

9. Applicant's arguments, see pages 13-14 and the substitute specification and abstract, filed November 25, 2003, with respect to the objections to the specification and the abstract have been fully considered and are persuasive. The objection of the specification and abstract has been withdrawn.

10. Applicant's arguments, see pages 4, 8, and 14, filed November 25, 2003, with respect to the objection to claims 1 and 8 have been fully considered and are persuasive. The objections of claims 1 and 8 have been withdrawn.

11. Applicant's arguments, see pages 4-9 and 14, filed November 25, 2003, with respect to the rejection to claims 1-11 under 35 U.S.C. 112, second paragraph have been fully considered and are persuasive. The rejection to claims 1-11 under 35 U.S.C. 112, second paragraph has been withdrawn.

12. Regarding the rejection to claims 1-6 and 8-11 under 35 U.S.C. 103(a) as being unpatentable over Faith (U.S. 5,445,138) in view of Kelly et al. (U.S. 5,667,217), Applicant alleges the combination of Faith in view of Kelly would not render the claimed invention obvious because independent claims 1 and 9, as amended, recite, "display units for displaying values corresponding to the targets by codes, each of the display units being provided adjacent to and in correspondence with a respective one of the targets." Applicant further alleges Faith nor Kelly teaches or suggests plural display units each of which corresponds to a respective one of targets to be aimed at, and wherein each of the display units shows a value of its corresponding

Art Unit: 3713

target. However, the examiner respectfully disagrees. As noted in previous office action, Paper No. 5, on page 6, Faith clearly discloses this feature. In particular, each bowl (target) has a points (values) flag (display unit) (80) mounted on (adjacent) a bowl rim (78) (Figure 2, Column 3, lines 8-11 and 51-52). Therefore, the examiner believes the combination of Faith in view of Kelly, taken as a whole, renders the claimed invention obvious.

13. Applicant alleges claim 7 is allowable because the claim had not been substantially rejected based on prior art, rather, was only rejected under 35 U.S.C. 112, second paragraph. The examiner was previously unable to ascertain whether Applicant was referring to “detecting means for detecting the aiming direction of the shooting unit” or “detecting means for detecting a game medium has hit one of a plurality of targets in the target unit.” Clearly, Faith discloses a hit detecting means (80) for detecting a hit of a game medium (coin) at a given one of the targets (Figures 2 and 5, and Column 6, line 65-Column 7, line 24). However, Faith and Kelly seem to lack explicitly disclosing or fairly suggesting “aim detecting means for detecting an aiming direction by the shooting unit, said jackpot setting means determining a one of the targets where the jackpot value is to be set depending on a detection content of the detecting means.” Therefore, for this reason, the examiner believes claim 7 may be allowable over the prior art of record.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

Art Unit: 3713

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Thursday, 6:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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